

Practitioner's Docket No. DC4955

PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: Licensing and Review

PETITION FOR RETROACTIVE LICENSE (37 CFR 5.25)

NOTE: See M.P.E.P. § 140, 6th ed., rev. 3.

1. Petition

It is respectfully requested that this petition for license for foreign filing attached hereto be granted retroactively under the provisions of 37 CFR 5.25.

2. Previous Licenses (☐ applicable ☒ not applicable)

Attached are copies of

- ☐ previous licenses
- ☐ the filing receipt license

issued on this invention before the export.

3. Material filed abroad without a license

Attached is a copy of the material that was filed abroad without a license for foreign filing.

4. Identification of inventor(s), title of invention and, if applicable, details of corresponding U.S. application

Inventor(s) name(s): Arnold Wade Lomas and William James Schulz, Jr.

Title of Invention: Alkoxysilyl Functional Silicone Based Materials

(complete the following, if applicable)

In re application of: Group No.: Not Assigned
Application No.: 0 10/060,713 Examiner's Name: Not Assigned
Filing Date: January 30, 2002

5. Foreign Countries and dates of filing of material for which retroactive license requested (37 CFR 5.25(a)(1))

With respect to the material for which a retroactive license is requested, each foreign countries in which the patent application material was filed and the date it was filed is as follows:

Foreign Country

Date

Great Britain

January 30, 2002

6. Verified Statement(s) - Below is statement of undersigned:

~~ASSUMED TO BE TRUE BY THE VERIFIED STATEMENT(S) OF~~ At the time of filing the above identified US Patent Application Serial No. 10/060713 on January 30, 2002, an application was concurrently filed in the United Kingdom as British Application No. 0202132.7 on January 30, 2002. The British application was directed to hair dyeing compositions using Alkoxyethyl Functional Silicone Based Materials essentially as described in the US applicaiton. In particular, the British application incorporated the subject of Claim 1 of the US application, along with definitions associated therewith, and methods described in the US application relative to preparing the materials. However, because the British application was filed in the name of Dow Corning S.A., a wholly owned European subsidiary of the assignee of the US application, i.e., the Dow Corning Corporation, the potential of violating licensing provisions in 35 USC 184 was not fully realized and appreciated. Upon full realization of the potential violation of 35 USC 184, the undersigned attorney of record caused this Petition to be filed.

which confirm(s) that, in accordance with 37 CFR 5.25(a)(3)(i)-(iii),

- (a) the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;
- (b) the license is being diligently sought after discovery of the proscribed foreign filing; and
- (c) an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained.

NOTE: See 37 CFR 5.25(a)(4).

7. Fee (37 CFR 1.17(h))—\$130.00)

The fee for this petition for retroactive license is paid by

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00
- ☒ to Deposit Account No. 04-1520
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 27,979

Tel. No.: (989) 496-4235

Customer No.: 00137



00137

PATENT TRADEMARK OFFICE


SIGNATURE OF PRACTITIONER

Jim L. De Cesare

(type or print name of practitioner)

Dow Corning Corporation

Intellectual Property Dept. C01232

P.O. Address

P.O. Box 994

Midland, MI 48686-0994

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